

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v.-

RICHARD ZEITLIN,

Defendant.

23 Cr. 419 (LAK)

**DECLARATION OF
SOPHIA PAPAPETRU**

SOPHIA PAPAPETRU, pursuant to 28 U.S.C. § 1746, declares under penalty of perjury, as follows:

1. I am a supervisory attorney at the Federal Bureau of Prisons assigned to work at the Metropolitan Detention Center in Brooklyn, New York ("MDC"), and I make this declaration in response to the Court's January 3, 2024, Order (Dkt. 59). Except where otherwise indicated, I make this Declaration based on my own personal knowledge as obtained through discussions with other MDC employees and reviewing MDC records.

The Frequency and Duration of Lock Downs
from December 14, 2023, and January 15, 2024

2. Between December 14, 2023, and January 15, 2024 (the "Relevant Period"), the MDC implemented the following lockdowns:

a. Between December 15, 2023, and January 3, 2024, the MDC instituted an institution-wide lockdown due to multiple assaults of staff members by inmates and multiple inmate on inmate assaults. During that time period, inmates were generally permitted outside their cells for approximately three (3) hours per day.

b. Between January 3, 2024, and January 18, 2024, the MDC instituted a lockdown on two units due to a disturbance in those units involving their gang affiliation.

c. Richard Zeitlin is assigned to one of the two aforementioned units. As a result, between January 3, 2024, and January 10, 2024, Richard Zeitlin was permitted outside of his cell for approximately one and a half (1.5) hours per day. Between January 10, 2024, and January 17, 2024, Richard Zeitlin was permitted outside of his cell for approximately three (3) hours per day.

d. During the Relevant Period, on approximately 15 days, the MDC adopted modified operations due to staffing shortages. When the institution is temporarily on modified operations, i.e., it is for approximately four (4) hours, until all necessary correctional posted are filled.

e. During modified operations due to staff shortages, noted above, when subject to modified operations, the unit will not be afforded normal out of cell times, which would be from 6:00 a.m. – 9:00 p.m. Modified operations will allow inmates at least three (3) hours of out of cell time.

f. In addition, during the Relevant Period, modified operations were implemented on several isolated occasions in certain units in order to maintain order in response to violent events such as incidents involving the use of force, fights among inmates, assaults, and attempted assaults.

3. The housing unit where Richard Zeitlin is housed returned to normal operations as of January 18, 2024.

The Frequency and Duration of Cancellations of Phone and Video Conferences
During the Relevant Period

4. During the Relevant Period, the MDC canceled phone and video conferences on December 15, 2023, and on December 28, 2023.

5. On December 15, 2023, phone and video conferences were canceled in response to the institution-wide lockdown that was instituted that day due to five (5) assaults that occurred over a

period of three (3) hours, two (2) of which, were assaults on staff. Phone and video conferences were restored the next day.

6. On December 28, 2023, phone and video conferences were canceled because of technical difficulties experienced with the MDC's telecommunications systems. The institution was unable to receive incoming communications or dial-out. Phone and video conferences were restored the next day.

The Waiting Times by Attorneys for Production of Clients for Legal Visits
During the Relevant Period

7. The MDC does not keep track of waiting times by attorneys for the production of clients during legal visits. Accordingly, I cannot provide any systematic data concerning this topic.

8. As a general matter, I understand that wait times can vary from 15 minutes to 90 minutes or longer, depending on a variety of factors, including but not limited to (a) an inmate's individualized schedule (e.g., whether he or she is at work); and (b) safety concerns necessitating one inmate not be in the presence of another inmate at the same time. Safety concerns in particular may cause a significant delay, upwards of two hours, in producing an inmate-client to an attorney visit.

The Actual Availability of Computers to Defendant Richard Zeitlin
for Review of Discovery During the Relevant Period and Prospectively

9. Designated discovery-computers are present within every unit and are available to inmates whenever inmates are permitted to be outside their cells. During lockdowns, the MDC will provide specific, additional time for any particular inmate to review discovery if ordered to do so by a Court.

10. I generally walk through the MDC on a daily basis and, during those walks, have an opportunity to observe the area of units where discovery-computers are available. I have personally never observed a line of inmates waiting to use discovery-computers.

11. During the Relevant Period, Richard Zeitlin was permitted outside his cell, and therefore had access to discovery-computers, between approximately one and a half (1.5) and three (3) hours per day when his unit was subject to a lockdown, and for approximately fifteen (15) hours per day when his unit was not subject to a lockdown. Based on my discussions with Zeitlin's unit manager, I do not understand that Zeitlin made any complaints during the Relevant Period to his unit manager concerning his access to the discovery-computers.

12. Prospectively, and absent any Court order to the contrary, the defendant will continue to have access to discovery-computers in his unit whenever he is permitted outside his cell.

The Availability of Law Library Access to Defendant Richard Zeitlin
During the Relevant Period and Prospectively

13. Each housing unit has its own law library, which is available to inmates whenever inmates are permitted to be outside their cells. During lockdowns, the MDC will provide specific, additional time for any particular inmate to attend that inmate's library if ordered to do so by a Court.

14. During the Relevant Period, Richard Zeitlin was permitted outside his cell, and therefore had access to the law library, between approximately one and a half (1.5) and three (3) hours per day when his unit was subject to a lockdown, and for approximately fifteen (15) hours per day when his unit was not subject to a lockdown.

15. Prospectively, and absent any Court order to the contrary, the defendant will continue to have access to the law library in his unit whenever he is permitted outside his cell.

The Availability of Advil from the Infirmary and the Commissary

16. If an inmate is indigent, that inmate will be provided Advil (or its generic equivalent) free of charge from the MDC pharmacy. Otherwise, an inmate may purchase Advil (or its generic equivalent) from commissary.

17. During the date range of December 15, 2023, through January 15, 2024, the commissary spending limit was \$205. On January 15, 2024, through January 7, 2024, the spending limit was decreased to \$75. On January 17, 2024, the Warden increased the spending limit to \$185.

18. During lockdowns, access to commissary may be restricted. However, there was no commissary restriction placed during the Relevant Period.

19. Availability of items is subject to the availability of the wholesalers. If an inmate orders items that the wholesaler does not have in stock, the inmate will not be provided the item, nor will they be charged. In addition, depending on availability and the need for rationing, an inmate may not receive all items ordered.

20. On December 8, 2023, Richard Zeitlin was the subject of an incident report. On December 12, 2023, he was sanctioned to loss of commissary for thirty (30) days. Based on my review of MDC records, I understand that despite that sanction, Zeitlin was still able to access commissary during the Relevant Time Period and did not place any orders for Advil (or its generic equivalent) even though it was available for purchase.

21. Richard Zeitlin is no longer on a commissary restriction and his assigned housing unit was shopped yesterday.

The Availability of Hot Food During the Relevant Period

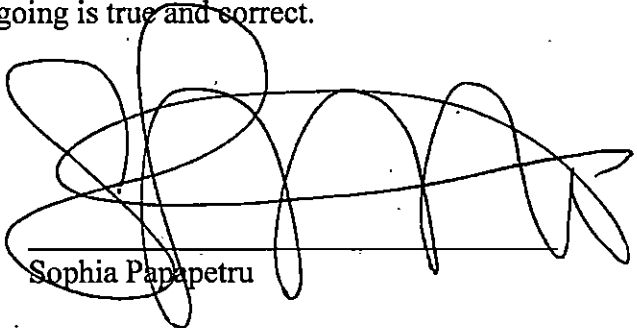
22. Based on my discussions with the Assistant Food Service Administrator at the MDC, I understand that hot food has been served every day during the Relevant Period.

Access to Computers for Defendants for Review
of Discovery in Heavy Document Cases

23. Beyond computer access described above, inmates with high volumes of electronic discovery or electronic discovery that is not compatible with the MDC's computers may have access, pursuant to Court order, to a discovery laptop that the MDC will store on behalf of the inmate. The MDC can also provide such inmates, pursuant to any Court order, with additional, designated computer time. The discovery laptop is not provided by the MDC.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
January 18, 2023



Sophia Papapetru